IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

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)) Case No. 4:09-cv-01213-CDF
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DEFENDANT'S FIRST AMENDED ANSWER TO PLAINTIFF'S PETITION

Comes now Defendant and for its Answer to Plaintiff's Petition states as follows:

- 1. Defendant admits the allegations contained in paragraphs 1, 8 and 13 of Plaintiff's Petition.
- 2. Defendant denies the allegations contained in paragraphs 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15 and 16 of Plaintiff's Petition.
- 3. For further answer and defense, Defendant states that any recovery by Plaintiff should be reduced in proportion to Plaintiff's failure to mitigate her loss and damages.
- 4. Defendant is entitled to a set off for amounts paid to Plaintiff by anyone for the injuries sustained in the accident described in Plaintiff's Petition.

WHEREFORE, having fully answered, Defendant prays to be dismissed hence with its costs herein expended.

/s/ Daniel E. Wilke

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I hereby certify that on August 4, 2009 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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DEW:lb